



United States Department of the Interior

BUREAU OF LAND MANAGEMENT HOUSE RANGE RESOURCE AREA

15 East 500 North
P.O. Box 778
Fillmore, Utah 84631



IN REPLY REFER TO:
3800
(U-055)
UTU-072854

September 21, 1994

GARRY MULLARD
PRESIDENT
NORTHERN STONE SUPPLY INC
PO BOX 249
OAKLEY ID 83346

SEP 23 1994

Dear Mr. Mullard:

Your notice to quarry decorative stone on Ebony and Ivory No. 1, UMC serial number 337569, located in NW $\frac{1}{4}$, Sec. 15, T. 23 S., R. 13 W., SLM, was received on September 6, 1994, and has been accepted by this office. Your notice has been assigned case file number UTU-072854. Please use this number in any future correspondence concerning this notice. Mr. Steven Hodges' notice, UTU-070673, has been amended to show the change in ownership and operator on unpatented mining claim Ebony and Ivory No. 1.

If you change your operation from what is described in your notice, you are required to contact this office prior to the change. If your operation extends for more than one year, please advise this office on the status of your mining related activity on the anniversary date of your notice.

Enclosed is a copy of the Conditions of Acceptance for BLM Mining Notices, stipulated by the Richfield District, Warm Springs Resource Area. Please follow these guidelines as they pertain to your operation.

We are of the preliminary opinion the deposit you have claimed is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you would relinquish your claims and sign a contract with the Bureau of Land Management to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone.

The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

A copy of your notice has been sent to the Utah Division of Oil, Gas and Mining (UDOGM); therefore, you will not have to file this notice with them. A copy of your notice has also been sent to the Utah Department of Environmental Quality, Division of Water Quality (DWQ). DWQ should contact you concerning any permits you may need, however their failure to do so does not absolve you from responsibility for obtaining the same.

A permit for explosives may be required from the Bureau of Alcohol, Tobacco, and Firearms (ATF). The address for ATF is

125 South State Street
Salt Lake City, Utah 84145

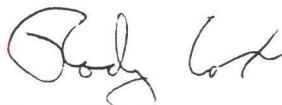
If ATF requires a permit, a copy of the permit should be submitted to this office.

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations and reclamation so an inspection may be conducted on the site. Reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

If you have any questions regarding this letter, please feel free to contact Rody Cox at (801) 743-6811. Thank you for submitting your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Rody Cox", is written above the typed name.

Rex Rowley
Area Manager

Enclosure

1. Conditions of Acceptance for BLM Mining Notices (p. 3)

cc: D. Wayne Hedberg, UDOGM
Kiran L. Bhayani, DWQ
Jerry Reagan, Millard County Planning and Zoning
Steven Hodges, PO Box 874, Beaver, UT 84713